

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEMETRIUS BAILEY,)	
)	2:07cv1122
Plaintiff,)	Electronic Filing
)	
v.)	Judge Cercone
)	Magistrate Judge Caiazza
DAVID WAKEFIELD, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Demetrius Bailey's Petition for Writ of Habeas Corpus was received by the Clerk of Court on August 15, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 19, 2007, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Bailey be dismissed as a second or successive petition which requires prior approval from the Court of Appeals. The parties were allowed ten days from the date of service to file objections. Bailey filed objections on December 3, 2007.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 7th day of January, 2008,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Demetrius Bailey is dismissed and a Certificate of Appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 18), dated November 19, 2007, is adopted as the opinion of the court.

DS Cercone

David Stewart Cercone
United States District Judge

cc: DEMETRIUS BAILEY
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